

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

GENERAL MOTORS LLC IGNITION SWITCH LITIGATION No. 14-MD-2543 (JMF)
No. 14-MC-2543 (JMF)

This Document Relates To All Actions

**APPLICATION OF ADAM M. MOSKOWITZ, ESQ. FOR
APPOINTMENT TO PLAINTIFFS' EXECUTIVE COMMITTEE**

Pursuant to Part II of Order No. 5, I, Adam M. Moskowitz of Kozyak Tropin & Throckmorton ("KTT") located in Miami, Florida, hereby submit an Application for Appointment to Plaintiffs' Executive Committee to assist Lead Counsel and help direct prosecution of the alleged RICO claims and class certification issues. I welcome the opportunity to work with all of the other excellent Plaintiffs' counsel in this matter from across the country.

KTT and I have the knowledge and experience in prosecuting complex litigation to effectively and efficiently prosecute this case, the access to resources to prosecute this litigation in a timely manner, the willingness to commit to a time-consuming process, and the willingness and ability to work with others. In particular, we have already set forth substantial time and effort in: (1) coordinating efforts with Podhurst, Orseck P.A. and 13 other law firms from across the country to file GM cases on behalf of 135 plaintiffs, (2) retaining Melanie Cyganowski, Esq., and her firm Otterbourg P.C. to work with our firms, as well as KTT's own bankruptcy department (which has been consistently rated in the "Top Tier" by Chambers Legal Practice Guide), to coordinate the GM bankruptcy issues for all Plaintiffs' counsel; and (3) drafting and revising an 84-page background RICO memorandum during the past four months, including all of the relevant facts and law, and conducting numerous meetings with a majority of the

Plaintiffs' counsel regarding such efforts. Finally, as a partner at a premier South Florida litigation law firm, my appointment would satisfy the goal of geographic diversity that both this Court and the JPML seek.

I. Knowledge and Experience in Prosecuting Complex Litigation

I specialize in class actions and manage the class-action practice for KTT, and have also served as an Adjunct Professor in Class Actions at the University of Miami School of Law for the past 17 years. KTT is a diverse law firm known for prosecuting some of the largest litigation and bankruptcy cases in the country. Partners at KTT have served as president and in leadership roles for the Cuban American Bar Association, the Black Lawyers Association, and the Florida Association for Women Lawyers, and have further served as fellows in the American College of Bankruptcy, members of the International Association of Trial Lawyers, and Top 100 lawyers in the Country.

Last year I was awarded the "Most Effective Lawyer Award" in Florida for the "Business and Complex Litigation Division" from the American Legal publication for my work during the past four years in prosecuting, and resolving force-placed insurance ("FPI") cases involving RICO claims. I serve as co-lead counsel in 14 nationwide class actions brought against 16 of the largest banks/servicers/insurers (including Chase, Bank of America, Wells Fargo, HSBC, Citi, Ocwen, NationStar, PNC, EverHome, US Bank, SPS, SunTrust, OneWest, GreenTree, Assurant, QBE) and have reached settlements totaling over \$1 billion dollars for the proposed classes. Banks and insurers have been placing this FPI insurance coverage on millions of homeowners across the country, and many of the alleged illegal practices have already been stopped as a direct result of our litigations. I have also served as co-lead counsel during the past 2 years

representing a putative class of thousands of physicians from across the country who all purchased a defective product manufactured by the medical manufacturer Allscripts.

I have also had the pleasure and honor of working with many of the other excellent plaintiffs' lawyers during my prior leadership roles, including serving as co-lead counsel in one of the largest antitrust actions against chemical company Monsanto, obtaining one of the nation's largest jury verdicts against chemical company DuPont, serving as co-lead counsel in resolving one of the nation's largest consumer class actions in *LiPuma vs. American Express*, and representing 70% of the victims of the \$1.2 billion Scott Rothstein South Florida Ponzi scheme leading to a nearly 100% recovery of the victims' \$250 million in losses.¹

II. Access to Resources to Prosecute this Litigation in a Timely Manner, and Willingness and Ability to Commit to a Time-Consuming Process

KTT has already dedicated all of its resources to file and prosecute GM cases and has been coordinating with 13 other law firms as well as Bankruptcy Liaison Counsel to conduct numerous meetings with over 50 other plaintiffs' counsel to discuss our proposed RICO strategy. We have litigated some of the largest MDL class actions and certainly have the resources to prosecute this litigation in an efficient and timely manner.

A substantial portion of KTT's litigation is class-action work prosecuted on a contingency basis, including national class actions. Consequently, KTT regularly advances substantial out-of-pocket costs, and is thus well-suited — in terms of both resources and time — to commit to and to efficiently prosecute this complicated MDL litigation in a timely manner.

¹ See also *In re Managed Care Litigation*, MDL No. 1334, S.D.Fla.; *In re Marine Hose Antitrust Litigation*, S.D.Fla.; *PBS Natchitoches et al. v. Tyco*, D.Mass.; *In re Mushroom Litigation*, E.D. Penn.; *John Bruhl v. PricewaterhouseCooper*, S.D.Fla.; *In re Sharps Container*, D. Mass.; *Becton Needles Litigation*, D.NJ; *Joseph v. Liberty National*, S.D.Fla.; and *Capital Max v. Dyadic*, S.D.Fla.

III. Willingness and Ability to Work Cooperatively with Others

KTТ has worked for over 30 years with different law firms all across the country. Prior to these cases being transferred to this district, undersigned counsel travelled to New York to meet with all counsel and assured them that we would be pleased to work cooperatively to prosecute these cases, regardless of where the MDL transferred the cases. Simply put, we pledge to do whatever is necessary to work with all other Plaintiffs' counsel in these cases.

IV. Counsel's Knowledge of Applicable Law, and The Work Counsel Has Done in Identifying, Investigating, or Prosecuting Potential Claims in This Action

As an adjunct professor teaching class action law for 17 years, I have had the honor to lecture, and coordinate with many lawyers and law firms from across the country in class action cases.² KTT recently completed serving as co-lead counsel in the largest MDL that ever involved RICO claims, *In re Managed Care Litigation*, obtaining over \$1 billion dollars in relief for more than 600,000 doctors. I spent over eight years helping to successfully develop and prosecute many aspects of the class allegations and specifically the RICO claims.

KTТ thrives in the class action/bankruptcy context because those are our core practice areas. The nature of our practice enables us to process, understand, and litigate overlapping class action and bankruptcy proceedings, as well as organize and disseminate relevant information quickly to all parties involved. Based on our experience, we extensively researched the RICO aspects of the GM case and drafted and circulated to all other Plaintiffs' counsel an extensive legal and factual memorandum that can guide the prosecution of the proposed RICO claims.

We have also had the honor of working with a diverse group of 13 law firms from across the country in these GM cases and they have graciously agreed to support my appointment to the Executive Committee. Many of these extremely well qualified attorneys will seek leadership

² I am also active with planning "Mindfulness in the Law" programs across the country and serve on various Florida Bar activities, including the Florida Bar Grievance Committee.

roles, including positions on various GM sub-committees that will be established by Lead Counsel. These firms include Whatley Kallas LLP; Hiden, Rott & Oertle, LLP; Harke Clasby & Bushman LLP; Searcy Denney Scarola Barnhart & Shipley, P.A.; Freidin, Dobrinsky, Brown & Rosenblum P.A.; Wiggins, Childs, Quinn & Pantazis, LLC; Merlin Law Group, P.A.; Archie Lamb & Associates, P.A.; Fuerst Ittleman David & Joseph, PL; Gray & White; Rivero Mestre LLP; Higer Lichter & Givner LLP; and Otterbourg P.C.

V. Geographic Diversity

KTT is a premier South Florida class action and bankruptcy firm, and the appointment of a South Florida lawyer in this national MDL litigation will both promote and satisfy the geographic diversity that the JPML and this Court seek.

I respectfully request the opportunity to address the Court at the August 11, 2014 Initial Conference to present my qualifications to serve on the Executive Committee.

Date July 28, 2014.

By: Adam M. Moskowitz
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CERTIFICATE OF SERVICE

I certify that the above pleading was electronically filed with the Clerk of the Court of the United States District Court for the Southern District of New York and has been sent to all counsel by using the CM/ECF filing system on July 28, 2014.

By: Adam M. Moskowitz